

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

DONALD D. WILLIS,

Plaintiff,

vs.

CHASE HOME FINANCE, LLC,

Defendant.

CASE NO. 10CV1021 DMS (BLM)

**ORDER DENYING PLAINTIFF'S
AMENDED MOTION TO
PROCEED IN FORMA PAUPERIS**

[Doc. 7.]

Plaintiff filed a Complaint for predatory lending and mortgage fraud, along with a motion to proceed *in forma pauperis* ("IFP") and a request for appointment of counsel. (Docs. 1-3.) On May 25, 2010, the Court issued an Order denying Plaintiff's motion to proceed IFP and request for appointment of counsel and dismissing the Complaint without prejudice. (Doc. 4.) The Court's Order granted Plaintiff 30 days leave to pay the \$350.00 filing fee required to maintain the action pursuant to 28 U.S.C. § 1914 or to submit additional documentation in support of his IFP motion. (*Id.*) On May 28, 2010, Plaintiff filed the instant amended IFP motion. (Doc. 7.) On June 1, 2010, Plaintiff filed a notice of appeal from the Court's May 25, 2010 Order. (Doc. 8.) The U.S. Court of Appeals for the Ninth Circuit issued an Order dismissing the appeal for failure to prosecute on October 12, 2010. (Doc. 13.)

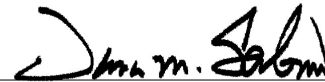
Although Plaintiff's amended IFP motion states that he is currently unemployed and that he filed for Chapter 7 bankruptcy in December 2008, the Court finds that Plaintiff's declaration of

1 inability to pay costs or give security is insufficient to permit him to proceed *in forma pauperis*.
2 Specifically, Plaintiff states that he receives a pension payment of \$2,700.00 a month from GM
3 Corporation. (Doc. 7 at 2.) Plaintiff does not include any information in his amended motion as to
4 his monthly expenses.

5 In light of this information, Plaintiff's amended motion to proceed *in forma pauperis* is
6 DENIED. Pursuant to this Order, however, Plaintiff is granted 30 days leave to pay the \$350.00 filing
7 fee required to maintain this action pursuant to 28 U.S.C. § 1914.

8 **IT IS SO ORDERED.**

9 DATED: November 18, 2010

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11 HON. DANA M. SABRAW
12 United States District Judge
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